

UNITED STATES BANKRUPTCY COURT District of New Jersey
Albert Russo Cn 4853 Trenton, NJ 08650 (609) 587-6888 Standing Chapter 13 Trustee
In re:  Robert Elliott Shanley, III  Debtor(s)



Order Filed on September 19, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No.: 18-26126 / MBK

Hearing Date: 09/11/2019

Judge: Michael B. Kaplan

Chapter: 13

### ORDER CONFIRMING CHAPTER 13 PLAN

The relief set forth on the following pages, numbered two (2) through three (3) is **ORDERED**.

**DATED: September 19, 2019**

  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

The plan of the debtor having been proposed to creditors, and a hearing having been held on the confirmation of such plan, and it appearing that the applicable provisions of the Bankruptcy Code have been complied with; and for good cause shown, it is

**ORDERED** that the plan of the above named debtor, dated 08/02/2019, or the last amended plan of the debtor be and it is hereby confirmed. The Standing Trustee shall make payments in accordance with 11 U.S.C. § 1326 with funds received from the debtor.

**ORDERED** that the plan of the debtor is confirmed to pay the Standing Trustee for a period of 60 months.

**ORDERED** that the debtor shall pay the Standing Trustee, Albert Russo, based upon the following schedule, which payments shall include commission and expenses of the Standing Trustee in accordance with 28 U.S.C. § 586:

\$3,800.00 PAID TO DATE

\$500.00 for 11 months beginning 10/1/2019

\$2,350.00 for 36 months beginning 9/1/2020

The balance of the plan shall be paid by the debtor(s) with lump sum payments of \$60,000 by 1/15/2020, \$75,000 by 3/15/2020, \$75,000 by 5/15/2020, \$100,788 by 8/15/2020, \$100,788 by 12/15/2020 and \$100,788 by 8/15/2021

**ORDERED** that the case is confirmed with a calculated plan funding of \$606,264.00. General unsecured creditors are scheduled to receive a pro-rata dividend of funds available.

**ORDERED** that the Standing Trustee shall be authorized to submit, ex-parte, an Amended Confirming Order, if required, subsequent to the passage of the claims bar date(s) provided under Fed. R. Bank. P. 3002.

**ORDERED** that the debtor's attorney be and hereby is allowed a fee pursuant to the filed 2016(b) Statement. Any unpaid balance of the allowed fee shall be paid to said attorney through the Chapter 13 plan by the Standing Trustee.

**ORDERED** that if the debtor should fail to make plan payments or fail to comply with other plan provisions for a period of more than 30 days, the Standing Trustee may file, with the Court and serve upon the Debtor and Debtor's Counsel, a Certification of Non-Receipt of Payment and request that the debtor's case be dismissed. The debtor shall have fourteen (14) days within which to file with the Court and serve upon the Trustee a written objection to such Certification.

**ORDERED** that upon completion of the plan, affected secured creditors shall take all steps necessary to remove of record any lien or portion of any lien discharged.

**ORDERED** that the Standing Trustee is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. § 1305(a).

**ORDERED** that if the debtor has provided for a creditor to be paid in the plan and no Proof of Claim is filed by such creditor before expiration of the applicable bar date, the debtor, pursuant to F.R.B.P. 3004, must file a Proof of Claim on behalf of the creditor within 30 days of the expiration of the applicable bar date. If the time period pursuant to F.R.B.P. 3004 has expired, the debtor must file a Proof of Claim on behalf of the creditor **and** file a motion to allow the Trustee to pay the late filed claim, or the debtor may obtain a Consent Order with the creditor authorizing the Trustee to pay an amount certain in the plan.

**ORDERED** that, notwithstanding the order of distribution set forth in the plan, the Trustee disbursements shall be made pursuant to the following order of distribution: administrative claims, secured claims, priority claims, general unsecured claims.

**Certificate of Notice Page 4 of 4**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Robert Elliott Shanley, III  
Debtor

Case No. 18-26126-MBK  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Sep 19, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 21, 2019.

db +Robert Elliott Shanley, III, PO Box 641, Navesink, NJ 07752-0641

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 21, 2019

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 19, 2019 at the address(es) listed below:

Albert Russo docs@russotrustee.com  
Aleisha Candace Jennings on behalf of Creditor U.S. Bank National Association  
ajennings@rasflaw.com  
Denise E. Carlon on behalf of Creditor M&T BANK dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Harold N. Kaplan on behalf of Creditor US Bank National Association hkaplan@rasnj.com,  
informationathnk@aol.com  
J. Alex Kress on behalf of Creditor ISE Farms, Inc. akress@becker.legal,  
mambrose@becker.legal;akress@ecf.courtdrive.com  
J. Alex Kress on behalf of Creditor ISE America Inc. akress@becker.legal,  
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Joseph Casello on behalf of Debtor Robert Elliott Shanley, III jcasello@cvclaw.net,  
jcasello627@gmail.com  
Rebecca Ann Solarz on behalf of Creditor M&T BANK rsolarz@kmlawgroup.com  
Richard James Tracy, III on behalf of Creditor TD Bank, N.A. rtracy@hillwallack.com,  
tshariff@schillerknapp.com;kcollins@schillerknapp.com;ahight@schillerknapp.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 10